

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DR. FRANCISCO M. DUBOCQ,

*Plaintiff*

v.

EDWIN MEJIAS LOPERENA, individually  
and in his official capacity as Chairman  
of the PUERTO RICO MEDICAL  
LICENSING AND DISCIPLINE BOARD, et  
al.,

*Defendants*

CIVIL NO. 11-1037(JAF)

CIVIL RIGHTS; COMPENSATORY AND  
PUNITIVE DAMAGES AND  
EQUITABLE, INJUNCTIVE RELIEF;  
DECLARATORY JUDGMENT

TRIAL BY JURY DEMANDED

JOINT MOTION REQUESTING THE COURT TO SET ASIDE  
PRELIMINARY INJUNCTION HEARING AND FOR VOLUNTARY DISMISSAL  
OF PRELIMINARY INJUNCTIVE RELIEF

TO THE HONORABLE COURT:

**COME NOW** the parties, through their respective counsel, and respectfully submit  
this Joint Motion as follows:

1. On January 18, 2011, at 3:00 p.m., this Honorable Court issued a Temporary Restraining Order (docket no. 12), whereby the Court temporarily enjoined defendants and ordered them “to stay the summary suspension of Plaintiffs’ Specialty Certificate. The prohibitions extends to any restrictions on Plaintiffs’ Urology practice, all until further Order of this Court.” This Court also scheduled a hearing, originally to be held on January 28, 2011, “where Defendants will show cause as to why a preliminary injunction should not issue.”

2. On January 23, 2011, the parties filed a “Joint Motion Requesting Change of Hearing and Acquiescing to Extension of Temporary Restraining Order” (docket no. 22), whereby they requested the Court, *inter alia*, to reset the preliminary injunction hearing. On January 25, this Court granted that Joint Motion and rescheduled the hearing for February 2, 2011 (docket no. 24).

3. On January 25, 2011, defendants notified plaintiff that after reviewing the documents filed in connection with the Board’s inquiry regarding Dr. Dubocq’s medical credentials, they decided to set aside the summary suspension and the cease and desist order. Afterwards, defendants, through their counsel, informed plaintiff that they will dismiss the administrative proceedings against him. Thus, given that the Board has set aside the summary suspension entered on December 23, 2010, and that defendants have represented through counsel that they will proceed to dismiss the administrative proceeding that had been initiated against Dr. Dubocq, it is not necessary to hold a preliminary injunction hearing.

4. Given all the above, the preliminary injunction hearing has become moot and plaintiff hereby also moves the Court for a voluntary dismissal of the request for preliminary injunctive relief in connection with defendants’ summary suspension of his urology practice and cease and desist order. The civil action for damages under 42 U.S.C. § 1983 should proceed as an ordinary civil proceeding.

**WHEREFORE**, the parties request this Honorable Court to set aside the preliminary injunction hearing scheduled for tomorrow, February 2, 2011 and to dismiss plaintiff's prayer for preliminary injunctive relief.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on February 1<sup>st</sup>, 2011.

**WE HEREBY CERTIFY** that on this same date we electronically filed the foregoing Joint Motion with the Clerk of the Court, using the CM/ECF System, which will send notification to the parties to their registered email addresses.

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